

# UNDER SEAL

IN THE UNITED STATES DISTRICT COURT FOR THE  
EASTERN DISTRICT OF VIRGINIA

Alexandria Division

JAN 9 2017

UNITED STATES OF AMERICA

v.

ZIA ZAFAR,

Defendant.

UNDER SEAL

Case No. 1:17-mj-11

**AFFIDAVIT IN SUPPORT OF APPLICATION FOR  
CRIMINAL COMPLAINT AND ARREST WARRANT**

I, David J. DiMarco, Special Agent of the Federal Bureau of Investigation (FBI), being duly sworn, depose and state the following:

**I. Introduction**

1. I am employed as a Special Agent with the Federal Bureau of Investigation (FBI), and I am assigned to the Extraterritorial Squad, Washington Field Office. I have been employed as a Special Agent since 2004 and have investigated violent crimes since 2007, to include homicides, kidnappings, bank robberies, fugitive cases, and other crimes of violence. My duties include conducting criminal investigations into international violent crimes against United States citizens abroad, to include violent crimes involving United States government personnel stationed at diplomatic and consular missions abroad. I have received training in conducting criminal investigations from the Federal Bureau of Investigation and specialized training regarding violent crime investigations from a variety of federal and state law enforcement agencies.

2. I have not included every fact I know about ZIA ZAFAR and his illegal activities in this affidavit; rather, I have included those facts I believe are needed to demonstrate probable cause for the warrant I seek. The information in this affidavit is based on my personal knowledge

and observations, on information conveyed to me by other law enforcement officials, and on my review of records, documents, and other physical evidence relevant to their activities.

**A. Pertinent Statutes**

3. I present this affidavit in support of a criminal complaint, charging ZIA ZAFAR with attempted murder of an internationally protected person outside the United States, in violation of Title 18, United States Code, Section 1116(a).

**B. Jurisdiction**

4. On January 6, 2017, Christopher Ashcraft, the victim, was employed with the U.S. Department of State as a Vice Consul in the Consular office in Guadalajara, Mexico. As Vice Consul, Ashcraft is recognized by the Government of Mexico as a diplomat. As such, Ashcraft was granted diplomatic immunity in the course of his official duties.

5. In an official diplomatic note (#1143), dated April 12, 2016, the U.S Embassy in Mexico City notified the Mexican Secretary of Foreign Affairs that Christopher Ashcraft was named as a Vice Consul for U.S. Consulate Guadalajara. On April 26, 2016, the Mexican Ministry of Foreign Affairs responded with a diplomatic note (#5366) conferring diplomatic status on Ashcraft, with an expiration date of April 26, 2020.

6. Accordingly, on January 6, 2017, Ashcraft was an Internationally Protected Person outside the United States who was a representative, officer, employee, and agent of the United States, pursuant to Title 18, United States Code, Sections 1116(b)(4)(B) and (c)(1).

**C. Venue**

7. Pursuant to Title 18, United States Code, Section 3238, venue for the offense described herein lies in the Eastern District of Virginia, as the defendant will be first brought to the Eastern District of Virginia.

## **II. Probable Cause and Details of the Investigation**

8. On or about January 6, 2017, Christopher Ashcraft visited a gym adjacent to a shopping center located at Avenida Vallarta #3300 in Guadalajara, Mexico. At approximately 6:19 p.m., an individual later identified as the Defendant, ZIA ZAFAR, shot Ashcraft with a pistol as Ashcraft was leaving the gym parking lot in his personal vehicle. The round struck Ashcraft in the chest. Ashcraft was taken to a local hospital for medical treatment, where he currently remains.

9. Special Agents with the FBI interviewed Ashcraft at the hospital. During the interview, Ashcraft stated that when he exited the gym, he noticed the individual later identified as ZAFAR, who was wearing blue scrubs, white shoes, and what appeared to be a wig. Based upon ZAFAR's behavior, Ashcraft felt as though ZAFAR was waiting for him. Ashcraft walked to a payment terminal to pay for his parking. When Ashcraft turned to walk towards his vehicle, he saw that ZAFAR was following him. Ashcraft felt threatened and walked to a populated area of the parking garage. Once ZAFAR was no longer following him, Ashcraft got into his vehicle and drove towards the garage exit. Ashcraft was shot once in the chest while exiting the garage.

10. Surveillance video from the shopping center and parking garage was obtained by Mexican law enforcement. The video shows a male (later identified as ZAFAR) wearing what appears to be a wig, sunglasses, blue scrubs, and white shoes. ZAFAR appears to be following Ashcraft as Ashcraft exits the gym and pays for his parking at approximately 6:16 p.m. The video then shows ZAFAR following Ashcraft for approximately three seconds. As Ashcraft walks to a different area of the garage, the video shows ZAFAR walking up an incoming vehicle ramp at 6:17 p.m. Approximately one minute later, ZAFAR is seen at the top of the exit vehicle ramp, pacing back and forth with his right hand in his pocket. At approximately 6:19 p.m., Ashcraft's vehicle pulls up to the garage exit. The video shows ZAFAR taking aim with a pistol and firing into the

windshield. The video then shows ZAFAR fleeing the scene. (See **Attachment A** for still photographs taken from the above-referenced surveillance video.)

### **III. Identification of ZIA ZAFAR**

11. On or about January 7, 2017, Mexican law enforcement obtained surveillance video from a nearby Starbucks located at Avenida Vallarta #3300, Guadalajara, Mexico. The Starbucks video, dated January 6, 2017, shows an individual matching the description of the above-referenced shooter. Mexican law enforcement obtained a Starbucks receipt dated January 6, 2017, 5:19 p.m. for a purchase totaling 58 Mexican Pesos, paid by credit card, and signed by the purchaser bearing the name Zafar/Zia. (See **Attachment B** for still photographs taken from the Starbucks surveillance video.)

12. A search of a Mexican Immigration database revealed that ZAFAR, who entered Mexico on a student visa, was born on [REDACTED] 1985, and holds a U.S. Passport bearing the number [REDACTED]. A search of Department of Motor Vehicles (DMV) records from California revealed that ZIA ZAFAR, born on [REDACTED] 1985, holds a California driver's license bearing the number [REDACTED]. The records obtained from the California DMV include a signature which bears remarkable similarity to the signature on the aforementioned Starbucks receipt.

13. Mexican Immigration records revealed that ZAFAR reported his local residence in Mexico as [REDACTED] in Guadalajara, Mexico. Mexican law enforcement conducted surveillance at the residence on January 7, 2017, at approximately 8:14 p.m. and noted the presence of a Honda Civic with California license plate number 4RZH452. A subsequent check of California DMV records revealed the car was registered to ZAFAR.

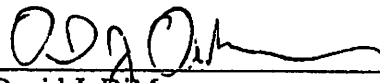
14. Mexican law enforcement subsequently detained ZAFAR inside the above-listed residence.

15. Mexican law enforcement searched the residence and recovered a pistol and several forms of identification bearing the name ZIA ZAFAR. A pair of sunglasses and a wig similar to the ones seen in the surveillance video were also recovered from the residence.


#### IV. Conclusion

16. Based upon the facts set forth above, I respectfully submit there is probable cause to find that, on or about January 6, 2017, ZIA ZAFAR attempted to murder Vice Consul Christopher Ashcraft, an internationally protected person, in violation of Title 18, United States Code, Section 1116(a).

17. I declare under penalty of perjury that the statements above are true and correct to the best of my knowledge and belief.

  
\_\_\_\_\_  
David J. DiMarco  
Special Agent  
Federal Bureau of Investigation

Sworn and subscribed to me this 9<sup>th</sup> day of January 2017.

\_\_\_\_\_/s/   
John F. Anderson  
~~United States Magistrate Judge~~  
Hon. John F. Anderson  
United States Magistrate Judge

# Attachment A

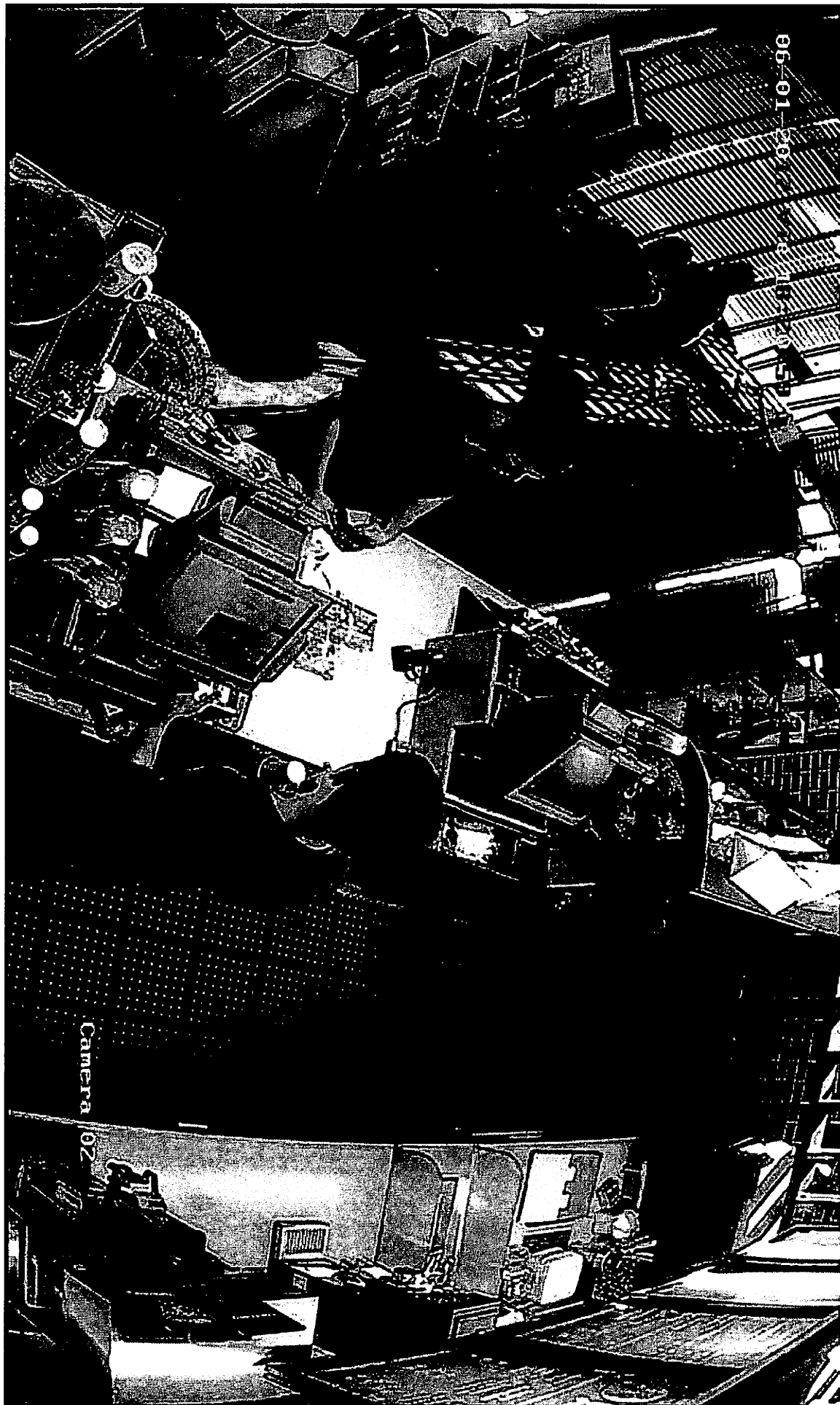






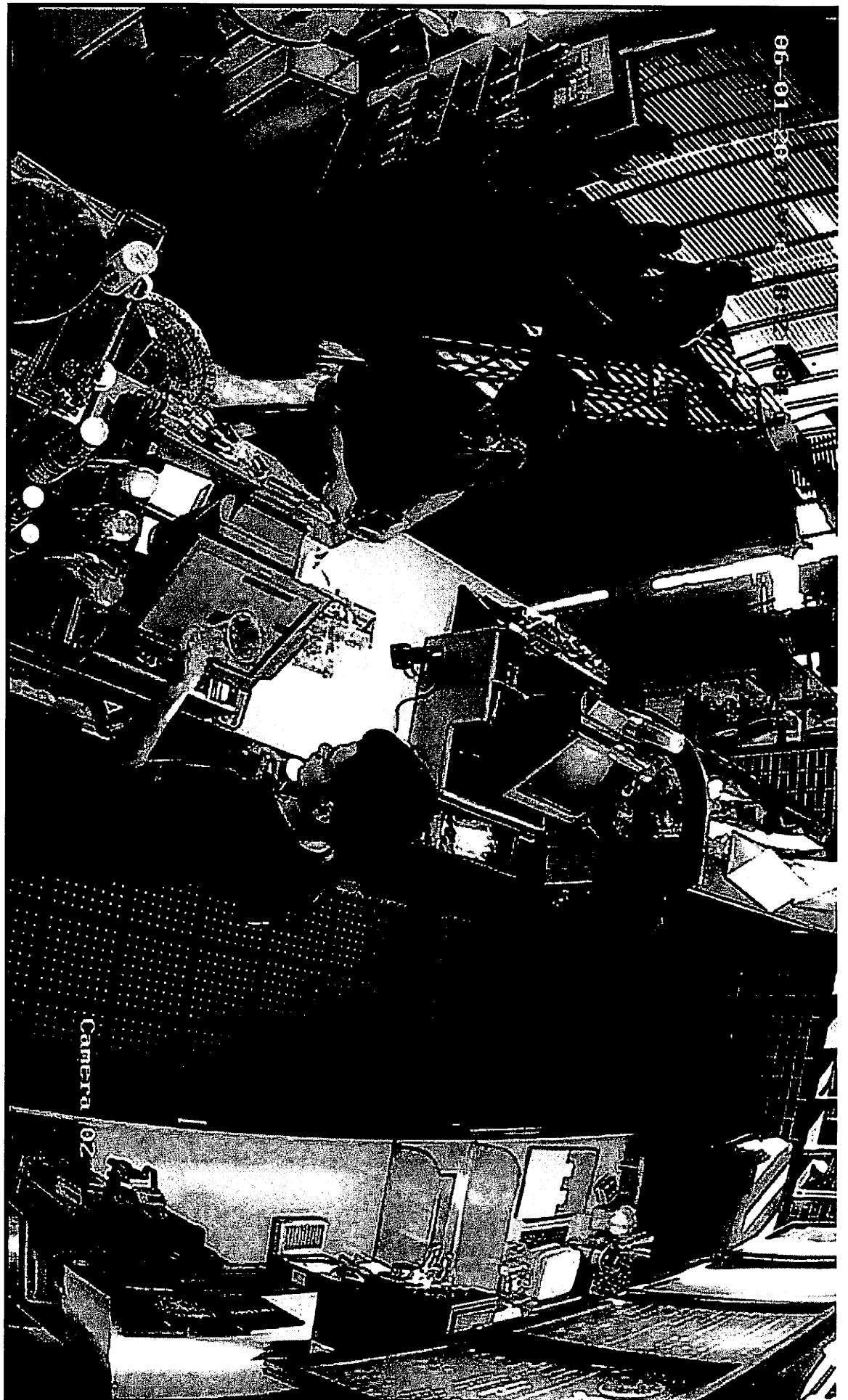


# Attachment B



06-01-2001

Camera 02



06-01-20

Camera 02